



November 10, 2016

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: *Ex Parte* Notice  
*Accessibility of User Interfaces, and Video Programming Guides and Menus*  
MB Docket No. 12-108

Dear Ms. Dortch:

On November 8, 2016, Jennifer A. Manner, Senior Vice President, Regulatory Affairs, of EchoStar Technologies Corporation, and Rachel Wolkowitz, outside counsel, of Wilkinson Barker Knauer, met with Jennifer Thompson, Confidential Assistant & Special Advisor to Commissioner Jessica Rosenworcel. In the meeting, the parties discussed the attached talking points.

This letter is filed pursuant to Section 1.1206 of the rules of the Federal Communications Commission. Please direct any questions to the undersigned.

Sincerely,

/s/ Jennifer A. Manner

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**The FCC Must Ensure That its Accessibility Rules Are Flexible Enough to Benefit the Consumer,**

**No Matter Their Choice of Device**

Accessibility of User Interfaces, and Video Programming Guides and Menus  
*MB Docket No. 12-108*

- EchoStar Technologies LLC (EchoStar), a leading manufacturer of navigation devices and other consumer electronic products, is an industry leader in ensuring that its products meet the accessibility needs of its customers. EchoStar supports the FCC's goal of ensuring that all consumers are able to readily access user display settings and fully benefit from captioned video.
- EchoStar consistently has worked to meet the requirements of the CVAA. This has been a complex, iterative, and resource-intensive process. As EchoStar is nearing the December compliance date for the CVAA user interface rules, the company looks forward to working with consumers on further improving its products.
- While EchoStar is supportive of the goals of this proceeding, because the company has progressed so significantly in meeting other upcoming CVAA requirements, it is concerned about any regulation-driven changes that could adversely impact the development and rollout process.
- EchoStar therefore urges the FCC, if it adopts a requirement on closed captioning display setting user interfaces, to adopt a broad requirement and provide flexibility on its implementation. Specifically, EchoStar supports the FCC's proposed rule language with the addition of a safety valve based on achievability for all apparatus.
- Under the FCC's proposed rule, manufacturers would have to enable the closed captioned display setting user interface to be "readily accessible." However, the proposed rule is unclear as to whether this standard would pertain to all pathways to reach closed captioning.
- If the FCC nevertheless chooses to adopt a less flexible regime, it should find that closed captioning display settings made available through a clearly identifiable navigation path, at the same location as closed captioning activation, are compliant. An overall consistent user experience, rather than a regulatory and fragmented user interface, would lead to better outcomes for consumers.
- Accordingly, EchoStar urges the FCC to provide manufacturers with the ability to offer multiple pathways as long as at least one is "readily accessible." This could be accomplished with the following language:

As long as the closed captioning display settings are readily accessible by at least one compliant means, additional navigation paths are permitted on the same device.

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<sup>1</sup> See, e.g., 47 C.F.R. §§ 79.107, 79.108 (requiring digital apparatus and navigation devices to comply with the user interface rules unless not achievable).